

IPW

Patent
Attorney Docket No. 033294-021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of
Keiichi Koga et al.
Application No.: 10/720,180
Filing Date: November 25, 2003
Title: ELECTRIC PARKING BRAKE APPARATUS

Group Art Unit: 3683
Examiner: MATTHEW C GRAHAM
Confirmation No.: 4336

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is also enclosed.
- Terminal Disclaimer(s) and the \$65.00 (2814) \$130.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- Also enclosed is/are _____

- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the \$395.00 (2801) \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted _____

on _____, for which continued examination is requested.

- Applicant(s) requests suspension of action by the Office until at least _____, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.

No additional claim fee is required.

An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS					
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims	14	MINUS 20 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	4	MINUS 4 =	0	x \$200.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$360.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT					\$ 0.00

A check in the amount of _____ is enclosed for the fee due.

Charge _____ to Deposit Account No. 02-4800.

Charge _____ to credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: January 10, 2005

By 
Matthew L. Schneider
Registration No. 32,814



Patent
Attorney's Docket No. 033294-021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Keiichi Koga et al.) Group Art Unit: 3683
Application No.: 10/720,180) Examiner: Mariano Sy
Filed: November 25, 2003) Confirmation No.: 4336
For: ELECTRIC PARKING BRAKE)
APPARATUS)

RSPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated December 9, 2004, the following remarks are submitted.

The aforementioned Official Action indicates that the claims in this application are directed to three different species. As identified in the Official Action, the three species are as follows.

Species A pertaining to the first aspect described beginning on page 4 of the application.

Species B pertaining to the second aspect described beginning on page 10 of the application.

Species C pertaining to the third aspect described beginning on page 15 of the application.

Based on the Examiner's observation that the three species are patentably distinct from one another, an election of species requirement has been imposed requiring an election of one of the three species.

In response to the election of species requirement, applicants hereby elect, with traverse, species A described beginning on page 4 of the specification. Claims 1-14 are readable on that aspect of the invention.

The election is made with traverse because the three species identified in the Official Action are not three different species of the invention. That is, the first aspect described beginning on page 4 of the application, the second aspect described beginning on page 10 of the application and the third aspect described beginning on page 15 of the application do not constitute three different species of the electric parking brake apparatus. Rather, they merely summarize features associated with the disclosed electric parking brake apparatus according to different aspects of the invention.

The claims in this application define the disclosed embodiment of the electric parking brake apparatus in terms of different combinations and arrangements of features. The claims vary from one another in terms of breadth or scope, but are not directed to different species of the electric parking brake apparatus. Under the circumstances, and as generally discussed in § 806.03 of the Manual of Patent Examining Procedure, restriction is not proper.

In the event the Examiner continues to believe that an election of species requirement is appropriate here, the Examiner is kindly asked to explain the portions of the detailed description and the drawing figures describing the different "species" identified in the Official Action.

In light of the foregoing, withdrawal of the election of species requirement and examination of all of the claims of this application are respectfully requested.

Should any questions arise in connection with the application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: January 10, 2005

By: Matthew L. Schneider

Matthew L. Schneider
Registration No. 32,814

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620